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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

Case No. 3:14-CV-02346-JCS
Related Case No. 3:14-CV-05337-JCS

**PLAINTIFFS' NOTICE REGARDING
MAILING AND PUBLICATION OF
NOTICES OF PARTIAL CLASS
DECERTIFICATION**

GARY ALEXANDER, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

Pursuant to this Court's November 19, 2020 Order re Finalization of Class Lists and Notices of Partial Class Decertification (*Wit* ECF No. 499) (the "Order"), paragraph 11, Plaintiffs hereby notify the Court as follows regarding mailing and publication of the specified notices.

A. Mailed Notices

The parties conferred and agreed on the lists of recipients of the notices described in paragraphs 8(a), (d), (e), and (h) of the Order. On **January 22, 2021**, the Class Administrator mailed a total of **528** notices, as follows:

- **87** Notices of Partial Class Decertification of Class Action to Illinois members of the *Wit* State Mandate Class whose denials were issued on or after January 2, 2016, *see* Order ¶ 8(a);
- **113** Notices of Non-Class Membership to members of all classes who were among the 170 individuals included on the class list based on administrative initial denials who did not subsequently receive a Guideline denial, *see* Order ¶¶ 8(d)-(e); and
- **328** Notices of Non-Class Membership to Texas members of the *Wit* State Mandate Class whose denials were based solely on the Texas Department of Insurance criteria and not on UBH's Guidelines, *see* Order ¶ 8(h).

The final forms of the notices mailed by the Class Administrator are attached hereto as **Exhibit A** (Illinois State Mandate); **Exhibit B** (*Wit* administrative denials); **Exhibit C** (*Alexander* administrative denials); and **Exhibit D** (Texas State Mandate).

The Class Administrator also posted the mailed notices to the class action website (www.UBHGuidelinesClassAction.com) on January 22, 2021. Zuckerman Spaeder LLP posted the mailed notices to its website (www.Zuckerman.com/class-actions) on the same date. Psych-Appeal, Inc. posted the mailed notices on January 24, 2021.¹

¹ The mailed notices that were posted to the Class Administrator's website on January 22, 2021 (and thereafter, to Plaintiffs' counsels' websites) were the forms approved by the Court on November 19, 2020, rather than the slightly-revised forms that were printed and mailed to the recipients. Plaintiffs' counsel became aware of the discrepancy on January 25, 2021, and immediately notified the Class Administrator. The correct forms of the mailed notices were posted on January 25, 2021 on the class website as well as the Zuckerman Spaeder LLP and Psych-Appeal, Inc. websites. The differences between the forms of the notices are not substantive.

On January 26, 2021, it came to Plaintiffs' attention that fourteen of the Notices of Non-Class Membership sent to individuals with administrative initial denials were sent in error because those individuals had also received *other* denials on different dates that did meet the class criteria. The parties conferred and agreed that these fourteen individuals should be sent a corrective letter to explain that, while the administrative-only denial is being removed from the class list, those individuals remain class members with respect to other denials. Accordingly, Plaintiffs, with UBH's consent, respectfully request the Court's approval to send the corrective letter attached hereto as **Exhibit E**.

B. Publication-Only Notices

On **January 22, 2021**, the Class Administrator published on the class action website four publication-only Notices of Partial Class Decertification, attached hereto as **Exhibits F-I**, directed to the following groups:

- **Exhibit F (*Wit*):** Any member of a health benefit plan governed by ERISA whose request for coverage of residential treatment services for a mental illness or substance disorder was denied by UBH between May 22, 2011 and June 1, 2017, based on any ground other than application of UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines, where such request was denied at the administrative appeal level of UBH's coverage determination process based, in whole or in part, on UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines, who did not receive actual notice of this class action prior to the opt-out deadline, *see* Order ¶ 8(b);
- **Exhibit G (*Alexander*):** Any member of a health benefit plan governed by ERISA whose request for coverage of outpatient or intensive outpatient treatment services for a mental illness or substance disorder was denied by UBH between December 4, 2011 and June 1, 2017, based on any ground other than application of UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines, where such request was denied at the administrative appeal level of UBH's coverage determination process based, in whole or in part, on UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines, who did not receive actual notice of this class action prior to the opt-out deadline, *see* Order ¶ 8(c);
- **Exhibit H:** Members of the *Wit* Guidelines Class and the *Wit* State Mandate Class whose administrative appeals of their denials were fully successful, *see* Order ¶ 8(f); and

- **Exhibit I:** Members of the *Alexander* Guidelines Class whose administrative appeals of their denials were fully successful, *see* Order ¶ 8(g).

Zuckerman Spaeder LLP also posted the four publication-only notices to its website on January 22, 2021. Psych-Appeal, Inc. posted the four publication-only notices to its website on January 24, 2021.

Dated: January 29, 2021

ZUCKERMAN SPAEDER LLP

/s/ Caroline E. Reynolds

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